

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TIFFIN EPS, LLC and TIFFIN MOUNT AIRY, LLC, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

GRUBHUB INC.,

Defendant.

No. 2:18-cv-05630-PD

DEFENDANT GRUBHUB INC.'S MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), defendant Grubhub Inc., through counsel, hereby moves this Court for an Order dismissing with prejudice plaintiffs' claims for conversion (Count II) and violation of the Illinois Consumer Fraud Act (Count III), as well as plaintiff Tiffin Mount Airy, LLC's breach of contract claim (Count I) based on completed telephone orders. In support of its motion, Grubhub incorporates its accompanying Memorandum of Law in Support of Its Motion to Dismiss.

Dated: January 24, 2019

/s/ Rebekah B. Kcehowski

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